

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO ORTIZ,

Plaintiff,

- against -

NEW YORK CITY, ANDREW KENNY #23901,
JOANNE GREEN #1779, MICHAEL ZURICH
34566 - 24th Precinct, JOHN
THORNTON # 27972,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE


: 07 Civ. 10706 (LAP) (JCF)

: O R D E R

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/2/08</u>

The complaint in this action was filed on November 30, 2007, and service on the defendants was never effected. By letter dated April 14, 2008, I advised the plaintiff to submit within two weeks any reasons why the action should not be dismissed. I received no reply. I therefore recommend that the complaint be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(e) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Loretta A. Preska, Room 1320, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
May 2, 2008

Copies mailed this date to:

Pedro Ortiz
A-44477153
Port Isabel Detention Center
27991 Buena Vista Boulevard
Los Fresnos, TX 78566